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STATE PRESIDENT'S OFFICE

No. 1628. 24 July 1985

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 105 of 1985: Pension and Related Matters Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1628. 24 Julie 1985

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 105 van 1985: Wysigingswet op Pensioen- en Aanverwante Aangeleenthede, 1985.

Act No. 105, 1985

PENSION AND RELATED MATTERS AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

[**]** Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Occupational Diseases in Mines and Works Act, 1973, so as to increase the one-sum benefits payable to persons suffering from compensatable diseases in the second degree and to make other provision relating to the determination of the one-sum benefit payable to the widow or dependent children of a deceased White person who was at the time of his death suffering from a compensatable disease in the second degree; to insert a section 11A in the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, in which the pensionable service is regulated of certain office-bearers whose term of office is terminated by the State President; to amend the Pension Laws Amendment Act, 1984, so as to effect a textual correction in section 9 thereof; to empower the State President to approve a reduction in the salaries or remuneration of certain political office-bearers, and in connection therewith to provide for the retention of certain pension rights of such office-bearers, their dependants, estates or surviving spouses; and to increase certain benefits and special awards payable in terms of the Occupational Diseases in Mines and Works Act, 1973; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 10 July 1985.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 79 of Act 78 of 1973, as amended by section 6 of Act 27 of 1974 and section 1 of Act 67 of 1974.

1. Section 79 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) When the certification committee has found that a person to whom a one-sum benefit was awarded under subsection (4) is suffering from a compensatable disease in the second degree, the commissioner shall award to such person an additional benefit **[of six thousand rand]** equal to the difference between the one-sum benefit referred to in section 80 (1), as increased from time to time (whether before or after the commencement of section 2 of the Pension Laws Amendment Act, 1984) by virtue of any law, and the one-sum benefit referred to in section 80 (3), as so increased.”

Amendment of section 82 of Act 78 of 1973, as amended by section 7 of Act 27 of 1974, section 5 of

2. Section 82 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If the certification committee has found that a deceased White person to whom a one-sum benefit was awarded under section 79 (4) in lieu of a monthly pension,

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ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, ten einde die enkelbedragvoordele te verhoog wat betaalbaar is aan persone wat aan vergoedbare siektes in die tweede graad ly en ander voorsiening te maak betreffende die bepaling van die enkelbedragvoordeel wat betaalbaar is aan die weduwee of afhanklike kinders van 'n oorlede Blanke persoon wat ten tyde van sy dood aan 'n vergoedbare siekte in die tweede graad gelyk het; om 'n artikel 11A in die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984, in te voeg waarin die pensioengewende diens gereël word van sekere ampsbekleërs wie se ampsbekleding deur die Staatspresident beëindig word; tot wysiging van die Wysigingswet op die Pensioenwette, 1984, ten einde 'n teksverbetering in artikel 9 daarvan aan te bring; om aan die Staatspresident die bevoegdheid te verleen om 'n vermindering van die salarisse of vergoeding van sekere politieke ampsbekleërs goed te keur, en om in verband daarmee voorsiening te maak vir die behoud van sekere pensioenregte van sodanige ampsbekleërs, hul afhanklikes, boedels of agterblywende gades; en om sekere voordele en spesiale toekennings betaalbaar ingevolge die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, te verhoog; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Julie 1985.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 79 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig deur subartikel (6) deur die 5 volgende subartikel te vervang:

“(6) Wanneer die sertifiseringskomitee bevind het dat 'n persoon aan wie 'n enkelbedragvoordeel ingevolge die bepalings van subartikel (4) toegeken is, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan daardie persoon 'n bykomende voordeel **[van sesduisend rand]** toeken wat gelyk is aan die verskil tussen die enkelbedragvoordeel in artikel 80 (1) bedoel, soos van tyd tot tyd (hetsy voor of na die inwerkingtreding van artikel 2 van die Wysigingswet op die Pensioenwette, 1984) uit hoofde van 10 die een of ander wêreld verhoog, en die enkelbedragvoordeel 15 in artikel 80 (3) bedoel, soos aldus verhoog.”
2. Artikel 82 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien die sertifiseringskomitee bevind dat 'n oorlede Blanke persoon aan wie 'n enkelbedragvoordeel in die plek van 'n maandelikse pensioen ingevolge artikel 79 (4) toege-

Wysiging van artikel 79 van Wet 78 van 1973, soos gewysig deur artikel 6 van Wet 27 van 1974 en artikel 1 van Wet 67 van 1974.

Wysiging van artikel 82 van Wet 78 van 1973, soos gewysig deur artikel 7 van Wet 27 van 1974, artikel 5 van

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Act 45 of 1975
and section 3 of
Act 123 of 1984.

or to whom a one-sum benefit was awarded under section 80 (1), was at the time of his death suffering from a compensatable disease in the second degree, the commissioner shall award to his widow or to his dependent children, if any, a one-sum benefit equal to the difference between the one-sum benefit referred to in **[subsection] section 80 (1)**, as increased from time to time (whether before or after the commencement of section 3 of the Pension Laws Amendment Act, 1984) by virtue of any law, and the one-sum benefit referred to in **[subsection] section 80 (3)**, as so increased.”.

Insertion of
section 11A in
Act 112 of 1984.

3. The following section is hereby inserted in the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, after section 11:

“Pensionable service of office-bearer whose tenure of office is terminated by State President. **11A. An office-bearer—** 15
(a) who is not a member of Parliament;
(b) who has been appointed for a term of office of at least five years; and
(c) whose tenure of office is terminated by the State President before such office-bearer has acquired five years pensionable service to his credit, shall for the purposes of this Act, if the State President so approves, be deemed to have five years pensionable service to his credit.”. 20

Amendment of
section 9 of
Act 123 of 1984.

4. Section 9 of the Pension Laws Amendment Act, 1984, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: 25

“(a) in the case of such a benefit, excluding a one-sum benefit referred to in sections 79 (6), 80 (1), (2) and (4), 82 (1) (b) and (2), 87 (1), (2) and (4), 88 (2) and 106 (c) of the principal Act, by 10 per cent; and”.

Reduction of salary
or remuneration of
State President and
of certain serving
and former political
office-bearers.

5. (1) The State President may, notwithstanding the provisions of any law or of any agreement relating to conditions of service, approve the reduction of—

- (a) the salary of the State President or of a member of Parliament or of a Minister or Deputy Minister who is not a member of any House of Parliament; 35
- (b) the remuneration of a member of the President's Council referred to in section 70 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983); 40
- (c) any salary or remuneration payable in terms of section 13 (1) of the Constitution Amendment Act, 1984 (Act No. 105 of 1984);
- (d) the salary of the holder of an office referred to in section 3 (1) (a) (ii) or (iii) of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984 (Act No. 112 of 1984); or 45
- (e) the salary of a member of a provincial council, by an amount or at a rate not exceeding three percent of the salary or remuneration concerned, and with effect from a date, which may be a date prior to the date of such approval, likewise approved by the State President. 50

(2) Any pension, gratuity or benefit to which a person whose salary or remuneration has been reduced by virtue of the provisions of subsection (1), his dependants, estate or surviving spouse is entitled under any law, and any contributions by such person to the pension scheme of which he is a member, shall be calculated as if the reduction in question had not taken place. 55

(3) The State President may, with effect from a date determined by him, withdraw his approval under subsection (1) of the reduction of a salary or remuneration, and such reduction shall as from that date no longer be applicable in respect of the salary or remuneration in question. 60

(4) For the purposes of this section “salary” and “remuneration” shall not include any allowance. 65

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ken is, of aan wie 'n enkelbedragvoordeel ingevolge artikel 80 (1) toegeken is, ten tyde van sy dood aan 'n vergoedbare siekte in die tweede graad gelyk het, ken die kommissaris aan sy weduwee of aan sy afhanklike kinders, as daar is, 'n enkelbedragvoordeel toe wat gelyk is aan die verskil tussen die enkelbedragvoordeel in **[subartikel]** artikel 80 (1) bedoel, soos van tyd tot tyd (hetsy voor of na die inwerking-treding van artikel 3 van die Wysigingswet op die Pensioenwette, 1984) uit hoofde van die een of ander wet verhoog, en die enkelbedragvoordeel in **[subartikel]** artikel 80 (3) bedoel, soos aldus verhoog.”.

Wet 45 van 1975
en artikel 3 van
Wet 123 van 1984.

3. Die volgende artikel word hierby in die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984, na artikel 11 ingevoeg:

Invoeging van
artikel 11A in
Wet 112 van 1984.

15 “Pensioenge-
wende diens
van amps-
bekleër wie
se ampsbe-
kleding deur
Staatspres-
ident beëin-
dig word.

11A. 'n Ampsbekleër—

(a) wat nie 'n lid van die Parlement is nie;
(b) wat vir 'n ampstermyn van minstens vyf jaar aangestel was; en
(c) wie se ampsbekleding deur die Staatspresident beëindig word voordat bedoelde ampsbekleër vyf jaar pensioengewende diens tot sy krediet verwerf het, word, indien die Staatspresident dit goedkeur, by die toepassing van hierdie Wet geag vyf jaar pensioenge-
wende diens tot sy krediet te hê.”.

4. Artikel 9 van die Wysigingswet op die Pensioenwette, 1984, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van
artikel 9 van
Wet 123 van 1984.

30 “(a) in die geval van so 'n voordeel, uitgesonderd 'n enkelbedragvoordeel bedoel in artikels 79 (6), 80 (1), (2) en (4), 82 (1) (b) en (2), 87 (1), (2) en (4), 88 (2) en 106 (c) van die Hoofwet, met 10 persent; en”.

5. (1) Die Staatspresident kan, ondanks die bepalings van 'n wet of van 'n ooreenkoms betreffende diensvoorwaardes, goed-
keur dat—

Vermindering van
salaris of vergoeding
van Staatspresident
en van sekere
dienende en voor-
malige politieke
ampsbekleërs.

(a) die salaris van die Staatspresident of van 'n lid van die Parlement of van 'n Minister of Adjunk-minister wat nie 'n lid van 'n Huis van die Parlement is nie;
(b) die vergoeding van 'n lid van die Presidentsraad bedoel in artikel 70 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983);
(c) 'n salaris of vergoeding betaalbaar ingevolge artikel 13 (1) van die Grondwetwysigingswet, 1984 (Wet No. 105 van 1984);
(d) die salaris van die bekleër van 'n amp bedoel in artikel 3 (1) (a) (ii) of (iii) van die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984 (Wet No. 112 van 1984); of
(e) die salaris van 'n lid van 'n provinsiale raad, met ingang van 'n datum insgelyks deur die Staatspresident goedgekeur, wat 'n datum voor die datum van bedoelde goedkeuring kan wees, verminder word met 'n bedrag of teen 'n skaal wat nie drie persent van sodanige salaris of vergoeding te bowe gaan nie.

55 (2) Enige pensioen, gratifikasie of voordeel waarop iemand wie se salaris of vergoeding uit hoofde van die bepalings van subartikel (1) verminder is, sy afhanklikes, boedel of agterblywende gade geregtig is kragtens die een of ander wet, en enige bydraes deur so 'n persoon aan die pensioenskema waarvan hy
60 'n lid is, word bereken asof die betrokke vermindering nie plaasgevind het nie.

(3) Die Staatspresident kan sy goedkeuring kragtens subartikel (1) van die vermindering van 'n salaris of vergoeding intrek met ingang van 'n datum wat hy bepaal, en vanaf daardie datum
65 is bedoelde vermindering nie langer ten opsigte van die betrokke salaris of vergoeding van toepassing nie.

(4) By die toepassing van hierdie artikel beteken “salaris” en “vergoeding” nie ook 'n toelae nie.

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Increase of certain
benefits and special
awards.

6. (1) Subject to the provisions of subsection (2), a benefit as defined in section 1, and a special award referred to in section 101, of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973), which are payable in terms of the said Act, and which were increased by the Occupational Diseases in Mines and Works Amendment Act, 1974 (Act No. 67 of 1974), the Occupational Diseases in Mines and Works Amendment Act, 1975 (Act No. 45 of 1975), the Occupational Diseases in Mines and Works Amendment Act, 1977 (Act No. 117 of 1977), the Occupational Diseases in Mines and Works Amendment Act, 1979 (Act No. 83 of 1979), the Occupational Diseases in Mines and Works Amendment Act, 1980 (Act No. 83 of 1980), the Occupational Diseases in Mines and Works Amendment Act, 1981 (Act No. 85 of 1981), the Occupational Diseases in Mines and Works Amendment Act, 1983 (Act No. 106 of 1983), and the Pension Laws Amendment Act, 1984 (Act No. 123 of 1984), shall be further increased with effect from 1 October 1985—

- (a) in the case of such a benefit, irrespective of whether it became or becomes payable before, on or after 1 October 1985, by the applicable percentage; and
- (b) in the case of such a special award, by an amount which the commissioner, as defined in section 1 of the Occupational Diseases in Mines and Works Act, 1973, may in his discretion determine, but not exceeding the applicable percentage of any such special award payable immediately prior to 1 October 1985:

Provided that in the calculation of any such benefit or special award, a fraction of a rand shall be calculated to the next complete rand.

(2) The provisions of subsection (1) shall not apply with reference to any one-sum benefit, as defined in section 1 of the Occupational Diseases in Mines and Works Act, 1973, to which a person became or becomes entitled before 1 October 1985.

(3) For the purposes of this section "applicable percentage" means 12,5 per cent in the case of Whites, 20 per cent in the case of Coloureds and Indians and 25 per cent in the case of Blacks.

Commencement.

7. The provisions of—

- (a) sections 1, 2 and 4 shall be deemed to have come into operation on 1 October 1984; and
- (b) section 3 shall be deemed to have come into operation on 1 June 1985.

Short title.

8. This Act shall be called the Pension and Related Matters Amendment Act, 1985.

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6. (1) Behoudens die bepalings van subartikel (2) word 'n voordeel soos omskryf in artikel 1, en 'n spesiale toekenning bedoel in artikel 101, van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (Wet No. 78 van 1973), wat ingevolge genoemde 5 Wet betaalbaar is, en wat by die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1974 (Wet No. 67 van 1974), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1975 (Wet No. 45 van 1975), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1977 (Wet No. 117 van 1977), die Wysigingswet op 10 Bedryfsiektes in Myne en Bedrywe, 1979 (Wet No. 83 van 1979), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1980 (Wet No. 83 van 1980), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1981 (Wet No. 85 van 1981), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1983 (Wet No. 15 106 van 1983), en die Wysigingswet op die Pensioenwette, 1984 (Wet No. 123 van 1984), verhoog is, met ingang van 1 Oktober 1985 verder verhoog—
- (a) in die geval van so 'n voordeel, ongeag of dit voor, op of na 1 Oktober 1985 betaalbaar geword het of word, 20 met die toepaslike persentasie; en
- (b) in die geval van so 'n spesiale toekenning, met 'n bedrag wat die kommissaris, soos omskryf in artikel 1 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, na goeddunke kan bepaal, maar wat nie die toepaslike 25 persentasie van so 'n spesiale toekenning wat onmiddellik voor 1 Oktober 1985 betaalbaar was, oorskryf nie:
- Met dien verstande dat by die berekening van so 'n voordeel of spesiale toekenning, 'n breukdeel van 'n rand tot die 30 volgende volle rand bereken word.
- (2) Die bepalings van subartikel (1) is nie van toepassing nie met betrekking tot 'n enkelbedragvoordeel, soos omskryf in artikel 1 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, waarop iemand voor 1 Oktober 1985 geregtig geword het of 35 word.
- (3) By die toepassing van hierdie artikel beteken "toepaslike persentasie" 12,5 persent in die geval van Blankes, 20 persent in die geval van Kleurlinge en Indiërs en 25 persent in die geval van Swartes.
- 40 7. Die bepalings van—
- (a) artikels 1, 2 en 4 word geag in werking te getree het op 1 Oktober 1984; en
- (b) artikel 3 word geag in werking te getree het op 1 Junie 1985.
- 45 8. Hierdie Wet heet die Wysigingswet op Pensioen- en Aan- Kort titel.
verwante Aangeleenthede, 1985.

Verhoging van sekere voordele en spesiale toekennings.

Inwerkingtreding.

